

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
)	
V.)	CRIMINAL NO. B-09-1312
)	
KHALON WESTBROOKS)	

**MOTION FOR LEAVE TO FILE OBJECTIONS TO THE PRESENTENCE
REPORT OUT OF TIME**

COMES NOW, Philip T. Cowen, counsel for KHALON WESTBROOKS who respectfully requests that the court permit him to file Objections to the Presentence Report out of time, and for cause would show:

The deadline, as counsel understands, for the Objections was April 8.. Counsel was just released from the Rio Grande Rehabilitation Center the Wednesday prior. He had asked his paralegal for a copy of the PSR and did not ever get it. The paralegal was working with the Hon. Ed Stapleton, at my instruction, to assist him in the case load I had in State Court, and any federal matters. For some reason, during the 14 days allowed for the preparation of the report, no one looked at the deadline. When I got home on Wednesday, April 3, I

went to my office the next day to pay taxes and insure that the proper deadlines were met. I worked three hours and could work no more. I did not have my docket, as it was with the paralegal at Stapleton's office. As I was still suffering from the affects of shattering my hip, I did not call my secretary until the April 12, and she then informed me that the Monday prior was the deadline. I instructed her to bring me the PSR, and made arrangements for my wife to drive me to Raymondville on April 14, 2013. I discussed the PSR for 2 ½ hours with my client and took notes. I finished it today.

Although more care should have been taken in avoiding such a situation, I can only asked the court to forgive the error. If I had been aware of the deadline sooner and could have done something timely, I would have had no choice but to request an extension of time to file the objection, as I was not ready to travel the prior weekend. Hence, the Court would have received the objections on this day if the extension had been granted.

For the above noted reasons, Counsel respectfully asks this Court to grant him leave to file his clients objections out of time.

Respectfully submitted by,

_____/s/_____
Philip T. Cowen

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Certificate of Conference

This is to inform the court that on this past Friday, I tried from mid-morning until the end of the working day at the AUSA's office to communicate with the Hon. Elena Salinas. I left my number with her, and expected a call today. As such, I don't know what she will agree to or reject.

_____/s/ Philip T. Cowen____

Philip T. Cowen

Certificate of Service

This is to inform the Court that on April 15, 2013 I have served the forgoing documents and orders, via the electronic filing system in use with the Southern

District of Texas and through that system have served both the AUSA involved in this case, as well as the probation office.

_____/s/_Philip T. Cowen____

Philip T. Cowen

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	(
KHALON WESTBROOKS)	

ORDER

On the ____ day of _____, 2013, the Court Considered Counsel's Motion for
Leave to File Objections to the Presentence Report, and find that the Motion is to be

_____ Granted _____ Not Granted

Signed this _____ day of _____, 2013 by

Hon.. Hilda G. Tagle
Judge Presiding